

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JULIANNE MCGUIRE,
Plaintiff

v.

RCN CORPORATION,
E-NET HOLDING, INC. d/b/a RCN,
RCN TELECOM SYSTEMS, INC.
f/k/a RCN TELECOM SERVICES OF
PENNSYLVANIA, INC. f/k/a
COMMONWEALTH CABLE
OF PENNSYLVANIA, INC. F/K/A
BRENDA REESE, AL BLANETT,
PATRICIA GENOVESE and
JENNIFER EGGLESTON
Defendants.

CIVIL ACTION

No. 02-CV-4074

JURY TRIAL DEMANDED

Waiver of Service of Summons

TO: George S. Kounoupis, Esquire
Hahalis & Kounoupis, P.C.
20 East Broad Street
Bethlehem, Pennsylvania 18018


I acknowledge receipt of your request that I waive service of a summons in the above captioned action, which is case number 02-CV-4074 in the United States District Court for the Eastern District of Pennsylvania. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after July 23, 2002 or within 90 days after that date if the request was sent outside the United States.

Date: July 23, 2002


RCN Telecom Services, Inc.

Printed Name

as

EVP and General Counsel

for

RCN Telecom Services, Inc.

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any, relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiffs attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.